

EXHIBIT A

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Jordan K. Cameron (12051)
CAMERON RINGWOOD, LC
6975 South Union Park Avenue
Suite 600
Cottonwood Heights, UT 84047
Telephone: (385) 463-2425
Email: jordan@cameronringwood.com

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

<p>APOTHECARY MOVEMENT, LLC, a Utah limited liability company, Plaintiff, vs. BH ELEGANT LINENS, LLC dbas AA WHOLESALE DEALS and SWIFT INNOVATIONS, a New York limited liability company, Defendants.</p>	<p>DECLARATION OF ASIF SHAIKH Case No.: 2:23cv00845-HCN-DAO Judge Howard C. Nielson, Jr.</p>
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I, Asif Shaikh, being first duly sworn and having personal knowledge of the matters asserted herein, do hereby declare as follows:

1. I am one of the owners of Apothecary Movement, LLC, the Plaintiff in this case.
2. I am over the age of 18 and competent to testify to the matters herein.
3. Apothecary's Amazon account was deactivated on 23 August 2023 due to Defendant's conduct.

4. In the seven months leading up to the termination of Apothecary's account by Amazon, Apothecary's net revenue (or profit) after considering all expenses such as fees and costs of goods sold was [REDACTED]. (See Profit and Loss, Exhibit 1 hereto).

5. Accordingly, Apothecary's monthly profit in the seven-month period leading up to its Amazon termination was [REDACTED].

6. In my *Declaration* of April 24, 2024, I stated, "Apothecary has lost on average \$169,195 per month in revenue since August 2023." [Doc. 45-1 at ¶ 12]. This is reference to net revenue (or profit) and is consistent with paragraph 32 of the *Complaint*. It is not reference to Apothecary's gross.

7. Despite that Apothecary's Profit and Loss records for the 2023 calendar year leading up to the Amazon termination support a higher computation of monthly losses than what was stated in the *Complaint* and the April 24, 2024, *Declaration*, considering a longer time-period, a more conservative accounting of lost monthly profits was \$169,195. Accordingly, in the interest of fairness, this was the number used in the *Complaint*.

8. My April 24, 2024, *Declaration* and the *Complaint* are consistent and are supported by Apothecary's accounting records. To date, Apothecary has lost more than [REDACTED] in profits due to Defendant's actions.

EXECUTED this 8th day of May 2024.

/s/ Asif Shaikh

(* I certify that I have the signed original of this document which is available for inspection during normal business hours by the Court or a party to this action.

*Declaration electronically signed, pursuant to U.C.A. § 46-4-201(4) and District of Utah CM/ECF and E-filing guidelines)

EXHIBIT 1

EXHIBIT 1

CONFIDENTIAL INFORMATION - ATTORNEY'S EYE ONLY

Apothecary Movement

Profit and Loss

